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**REC'D IN THE U.S. PATENT AND TRADEMARK OFFICE**

Applicant(s): Yasmin Thanavala, et al.

Serial No: 09/420,695

Filed: October 19, 1999

- (1) Transmittal Form
- (1) Fee Transmittal Form
- (1) Second Substitute Appeal Brief (in triplicate)
- (1) Postcard for acknowledgment
- (1) Letter



PP:156A US

Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		Application Number	09/420,695
		Filing Date	October 19, 1999
		First Named Inventor	Yasmin Thanavala
		Group Art Unit	1651
		Examiner Name	M. Flood
Total Number of Pages in This Submission	29	Attorney Docket Number	RPP:156A US

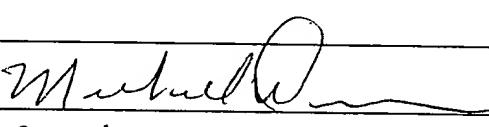
**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) ** <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)		
<input type="checkbox"/> Extension of Time Request		
<input type="checkbox"/> Express Abandonment Request		
<input type="checkbox"/> Information Disclosure Statement		
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

\*\*SECOND SUBSTITUTE Appeal Brief

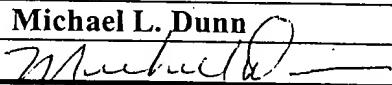
Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Michael L. Dunn
Signature	
Date	July 26, 01

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name	Michael L. Dunn	Date	July 26, 01
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT (\$)****METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number **04-1790**

Deposit Account Name \_\_\_\_\_

Charge Any Additional Fee Required  
Under 37 CFR 1.16, 1.17, 1.18 and 1.20

Applicant claims small entity status.  
See 37 CFR 1.27

2.   
 Check     Credit Card     Money Order     Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355 Utility filing fee	_____
106	320	206 160 Design filing fee	_____
107	490	207 245 Plant filing fee	_____
108	710	208 355 Reissue filing fee	_____
114	150	214 75 Provisional filing fee	_____

SUBTOTAL (1) **( \$ )****2. EXTRA CLAIM FEES**

Total Claims	-20** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	-3** =	_____	_____ X _____ = _____	_____
Multiple Dependent		_____	_____ = _____	_____

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim, if not paid
109	80	209 40 **Reissue independent claims over original patent
110	18	210 9 **Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) **( \$ )**

\*\*or number previously paid, if greater; For Reissues, see above

Complete if Known	
Application Number	09/420,695
Filing Date	October 19, 1999
First Named Inventor	Yasmin Thanavala
Examiner Name	M. Flood
Group Art Unit	1651
Attorney Docket No.	RPP:156A US

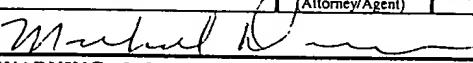
**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	_____	_____
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	_____	_____
139	130	139 130 Non-English specification	_____	_____
147	2,520	147 2,520 For filing a request for ex parte reexamination	_____	_____
112	920*	112 920* Requesting publication of SIR prior to Examiner action	_____	_____
113	1,840*	113 1,840* Requesting publication of SIR after Examination action	_____	_____
115	110	215 55 Extension for reply within first month	_____	_____
116	390	216 195 Extension for reply within second month	_____	_____
117	890	217 445 Extension for reply within third month	_____	_____
118	1,390	218 695 Extension for reply within fourth month	_____	_____
128	1,890	228 945 Extension for reply within fifth month	_____	_____
119	310	219 155 Notice of Appeal	_____	_____
120	310	220 155 Filing a brief in support of an appeal	_____	_____
121	270	221 135 Request for oral hearing	_____	_____
138	1,510	138 1,510 Petition to institute a public use proceeding	_____	_____
140	110	240 55 Petition to revive - unavoidable	_____	_____
141	1,240	241 620 Petition to revive - unintentional	_____	_____
142	1,240	242 620 Utility issue fee (or reissue)	_____	_____
143	440	243 220 Design issue fee	_____	_____
144	600	244 300 Plant issue fee	_____	_____
122	130	122 130 Petitions to the Commissioner	_____	_____
123	50	123 50 Processing fee under 37 CFR 1.17(q)	_____	_____
126	180	126 180 Submission of Information Disclosure Stmt	_____	_____
581	40	581 40 Recording each patent assignment per property (times number of properties)	_____	_____
146	710	246 355 Filing a submission after final rejection (37 CFR § 1.129(s))	_____	_____
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	_____	_____
179	710	279 355 Request for Continued Examination (RCE)	_____	_____
169	900	169 900 Request for expedited examination of a design application	_____	_____
Other fee (specify)				

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **( \$ )****SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	Michael L. Dunn	Registration No. (Attorney/Agent)	25,330	Telephone	716-433-1661
Signature			Date	July 26, 2001	

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Yasmin Thanavala, et al.

Art Unit: 1651

Serial No: 09/420,695

Filed: October 19, 1999

Examiner: M. Flood

For: ORAL IMMUNOLOGY  
USING PLANT PRODUCT  
CONTAINING HEPATITIS  
SURFACE ANTIGEN

**LETTER**

Box AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in reply to the Notification of Non-Compliance with 37 CFR 1.192(c) mailed July 17, 2001, regarding the above-referenced application. Enclosed please find a Second Substitute Appeal Brief, in triplicate, which overcomes the rejections.

Respectfully submitted,

  
Michael L. Dunn  
Attorney for Applicant(s)  
Reg. No. 25,330  
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Newfane, New York 14108  
Telephone: (716) 433-1661

MLD/cah